

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMEL MONROE,

Plaintiff,

v.

9:05-CV-1590
(FJS/GHL)

STEVEN CRITELLI, Correctional Officer, Mid-State C.F.;
BRIAN LOCKWOOD, Correctional Officer, Mid-State, C.F.;
THERESA VIRKLER, IGP Supervisor, Mid-State C.F.; and
JANE DOE, Mail Room Clerk, Mid-State C.F.,

Defendants.

APPEARANCES:

OF COUNSEL:

JAMEL MONROE, c/o Derrick James
Plaintiff, *Pro Se*
268 Beach 17th Street
Far Rockaway, NY 11691

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SENTA B. SIUDA
Assistant Attorney General

FREDERICK J. SCULLIN, JR., S.D.J.:

DECISION AND ORDER

Presently before the Court is Magistrate Judge George H. Lowe's January 28, 2008 Report-Recommendation in which he recommends that the Court deny Plaintiff's motion for summary judgment; grant Defendants Critelli, Lockwood and Virkler's cross-motion for summary judgement and dismiss Plaintiff's complaint in its entirety. The Court having reviewed

the Report-Recommendation and the entire file in this matter and Plaintiff having filed no objections to said Report-Recommendation, the Court hereby

ORDERS that the Report-Recommendation filed by Magistrate Judge George H. Lowe on January 28, 2008, is, for the reasons stated therein, **ACCEPTED** in its entirety; and the Court further

ORDERS that Plaintiff's motion for summary judgment is **DENIED**; and the Court further

ORDERS that Defendants Critelli, Lockwood and Virkler's cross-motion for summary judgement is **GRANTED**; and the Court further

ORDERS that any of Plaintiff's claims against the three Defendants that are not the subject of their motion for summary judgment are **DISMISSED** pursuant to 28 U.S.C. § 1915A(e)(2)(ii) and/or 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted; and the Court further

ORDERS that Plaintiff's claims against Jane Doe are **DISMISSED** with prejudice due to Plaintiff's failure to name or serve her or, in the alternative, due to his failure to state a claim upon which relief may be granted, pursuant to 28 U.S. C. § 1915A(e)(2)(B)(ii) and/or 28 U.S.C. § 1915A(b); and the Court further

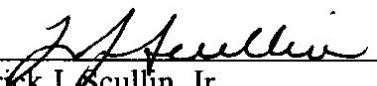
ORDERS that, in light of the foregoing, Plaintiff's complaint is **DISMISSED** in its entirety with prejudice; and the Court further

CERTIFIES that for purposes of 28 U.S.C. § 1915A(a)(3), any appeal taken from the Court's final judgment in this action would not be taken in good faith; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

Dated: February 21, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge